

ferences, the House having receded from its amendment.

Respectfully submitted,

SMALL,
PACE,
PATTON,
PARR,
RUSSEK,

On the part of the Senate;

BURNS,
DANIEL,
McCLAIN,
BUTLER,

On the part of the House.

Mr. Laird moved that further consideration of the report be postponed until next Monday.

The motion prevailed.

RECESS

On motion of Mr. Daniel, the House, at 12:30 o'clock p. m., took recess to 9:30 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Agriculture: House Bill No. 831.

Oil, Gas, and Mining: House Bill No. 878.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, April 6, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 6, Proposing to amend Section 4, of Article VI, of the Constitution of Texas so that in all elections by the people the vote shall be by secret ballot; that the Legislature shall provide therefor, and shall make such other regulations as may be necessary to detect and punish fraud, and that the Legislature provide for registration of voters,

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,

Austin, Texas, April 6, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 16, Proposing to amend Section 2, Article VI, of the Constitution, repealing the provision making the payment of a poll tax a qualification as a voter, and providing that the same shall hereafter read as hereinafter set out,

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 58, Endorsing Col. J. Lewis Thompson for certain position,

Has carefully compared same, and finds it correctly enrolled.

ROSS, Acting Chairman.

FORTY-EIGHTH DAY

(Continued)

(Monday, April 10, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Lampasas, Texas, April 8, 1933.

Hon. Coke Stevenson, Speaker, House of Representatives, Austin, Texas.

Dear Sir: We wish to extend to you personally, and the Members of the Forty-third Legislature, the sincere thanks of our family for the Resolution of sympathy sent us on the death of our beloved daughter, Lila, and ask that you convey to the other Members our appreciation.

In an hour like this it is the sincere sympathy of our friends and an abiding faith that some day God will reveal to us why this sorrow should come to us that helps us to, in a measure, hold up under our loss, and feel that it is God's will our loved one should be taken from us.

We will always have in our hearts a feeling of love for the Members of the Forty-third Legislature.

Respectfully,

MR. AND MRS. CHESTER D. SMITH
AND BOYS.

BILL ORDERED NOT PRINTED

On motion of Mr. Harman, by unanimous consent of the House, Senate Bill No. 96 was ordered not printed.

SENATE BILL NO. 96 ON SECOND READING

Mr. Harman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 96 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson.	Glass.
Aikin.	Good.
Alexander.	Goodman.
Alsup.	Greathouse.
Anderson	Griffith.
of Johnson.	Haag.
Baker.	Hankamer.
Barrett.	Harman.
Barron.	Harris.
Bedford.	Hester.
Bourne.	Hicks.
Burns.	Hill of Brazoria.
Butler.	Hodges.
Calvert.	Holekamp.
Camp.	Holland.
Canon.	Holloway.
Cathey.	Hoskins.
Clayton.	Huddleston.
Coombes.	Hughes.
Daniel.	Hyder.
Davidson.	Jackson.
Dean.	James.
Devall.	Jefferson.
Dunagan.	Johnson
Duvall.	of Anderson.
Dwyer.	Jones of Runnels.
Engelhard.	Jones of Shelby.
Fain.	Kyle of Hays.
Few.	Kyle of Palo Pinto.
Ford.	Laird.
Fuchs.	Latham.

Lemens.	Rogers of Ochiltree.
Lindsey.	Rollins.
Long.	Ross.
Lotief.	Russell.
Magee.	Savage.
McClain.	Scarborough.
McDougald.	Scott.
Merritt.	Shannon.
Metcalfe.	Shults.
Mitcham.	Smith.
Moffett.	Steward.
Moore.	Stinson.
Morrison.	Stovall.
Morse.	Tarwater.
Munson.	Tennyson.
Nicholson.	Thomas.
Palmer.	Turlington.
Parkhouse.	Van Zandt.
Patterson.	Vaughan.
Pavlica.	Wagstaff.
Puryear.	Walker.
Ramsey.	Wells.
Ray.	Winningham.
Reed of Bowie.	Wood.
Reed of Dallas.	Young.
Roberts.	

Absent

Beck.	Leonard.
Bradley.	Mackay.
Caven.	Mathis.
Chastain.	McCullough.
Colson.	McGregor.
Cowley.	McKee.
Crossley.	Pope.
Dunlap.	Ratliff.
Golson.	Reader.
Graves.	Renfro.
Harrison.	Riddle.
Hartzog.	Rogers of Hunt.
Head.	Stanfield.
Hill of Webb.	Sullivant.
Hunt.	Tillery.
Jones of Atascosa.	Townsend.
Kayton.	Weinert.

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Fisher.	West.

On motion of Mr. Harman, the Twenty-four-hour House Rule, relative to printed bills, was suspended for the purpose of taking up, for consideration at this time,

S. B. No. 96, A bill to be entitled "An Act making appropriations for the support and maintenance of the State Government for the two-year period beginning September 1, 1933, and ending August 31, 1935, and for other purposes; and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Harman offered, as an amendment to Senate Bill No. 96, House Bill No. 167, as it finally passed the House.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate Bill No. 96 was then passed to third reading.

SENATE BILL NO. 96 ON THIRD READING

The Speaker then laid Senate Bill No. 96 before the House, on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—108

Adamson.	Hodges.
Alexander.	Holekamp.
Alsup.	Holland.
Anderson	Holloway.
of Johnson.	Hoskins.
Baker.	Huddleston.
Barrett.	Hughes.
Barron.	Hyder.
Bedford.	Jackson.
Bourne.	James.
Burns.	Jefferson.
Butler.	Johnson
Calvert.	of Anderson.
Camp.	Jones of Runnels.
Canon.	Jones of Shelby.
Cathey.	Kyle of Hays.
Clayton.	Kyle of Palo Pinto.
Coombes.	Laird.
Cowley.	Latham.
Davidson.	Lemens.
Dean.	Lindsey.
Devall.	Long.
Dunagan.	Lotief.
Duvall.	Magee.
Engelhard.	McClain.
Fain.	McDougald.
Few.	McGregor.
Ford.	McKee.
Fuchs.	Merritt.
Glass.	Metcalfe.
Golson.	Mitcham.
Good.	Moore.
Goodman.	Morrison.
Greathouse.	Morse.
Griffith.	Munson.
Haag.	Nicholson.
Hankamer.	Palmer.
Harman.	Parkhouse.
Harris.	Pavlica.
Hartzog.	Puryear.
Head.	Ramsey.
Hester.	Ray.

Reed of Bowie.
Reed of Dallas.
Roberts.
Rogers
of Ochiltree.
Rollins.
Ross.
Russell.
Savage.
Shannon.
Shults.
Smith.
Steward.
Stinson.

Stovall.
Tarwater.
Tennyson.
Thomas.
Turlington.
Van Zandt.
Vaughan.
Wagstaff.
Walker.
Wells.
Winningham.
Wood.
Young.

Nays—5

Aikin.	Scarborough.
Moffett.	Scott.
Pope.	

Absent

Beck.	Kayton.
Bradley.	Leonard.
Caven.	Mackay.
Chastain.	Mathis.
Colson.	McCullough.
Crossley.	Patterson.
Daniel.	Ratliff.
Dunlap.	Reader.
Dwyer.	Renfro.
Graves.	Riddle.
Harrison.	Rogers of Hunt.
Hicks.	Stanfield.
Hill of Brazoria.	Sullivant.
Hill of Webb.	Tillery.
Hunt.	Townsend.
Jones of Atascosa.	Weinert.

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Fisher.	West.

HOUSE BILL NO. 154 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 154, A bill to be entitled "An Act amending Article 7071, Title 122, Chapter 2, Revised Civil Statutes of 1925, and providing for the levying of an occupation tax on petroleum oil, mineral oil, or other oils that are taken from the earth; providing the date of payment of same, and providing manner and time of reporting same to the Treasury of this State, and providing for inspection of records kept by persons engaged in such business, etc.; and declaring an emergency";

The bill having heretofore been read second time, with committee amendment by Mr. Daniel, and amendment

to the committee amendment as substituted, and substitute by Mr. Haag for the amendment by Mr. Daniel to the committee amendment as substituted, pending.

Mr. Van Zandt moved to table the substitute amendment by Mr. Haag.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—84

Adamson.	Jones of Runnels.
Aikin.	Kyle of Hays.
Alexander.	Latham.
Alsup.	Lemens.
Anderson	Leonard.
of Johnson.	Lindsey.
Barrett.	Magee.
Beck.	McClain.
Bedford.	McCullough.
Bradley.	McGregor.
Burns.	Merritt.
Butler.	Mitcham.
Calvert.	Morrison.
Camp.	Palmer.
Canon.	Parkhouse.
Cathey.	Puryear.
Caven.	Ramsey.
Colson.	Ratliff.
Cowley.	Ray.
Crossley.	Reed of Bowie.
Daniel.	Renfro.
Dean.	Riddle.
Devall.	Rogers of Hunt.
Dunlap.	Rogers
Dunagan.	of Ochiltree.
Dwyer.	Rollins.
Engelhard.	Russell.
Fain.	Savage.
Fuchs.	Scarborough.
Good.	Scott.
Goodman.	Shults.
Graves.	Smith.
Harman.	Steward.
Harris.	Stovall.
Hartzog.	Sullivant.
Head.	Thomas.
Hester.	Tillery.
Hicks.	Turlington.
Hodges.	Van Zandt.
Hoskins.	Vaughan.
Hughes.	Wells.
James.	Winningham.
Johnson	Young.
of Anderson.	

Nays—42

Baker.	Greathouse.
Chastain.	Haag.
Clayton.	Hankamer.
Coombes.	Hill of Brazoria.
Few.	Hill of Webb.
Ford.	Holekamp.
Glass.	Holland.

Huddleston.	Munson.
Hyder.	Nicholson.
Jackson.	Patterson.
Kayton.	Pavlica.
Kyle of Palo Pinto.	Reed of Dallas.
Laird.	Roberts.
Long.	Ross.
Lotief.	Shannon.
McDougald.	Stinson.
McKee.	Tennyson.
Metcalfe.	Townsend.
Moffett.	Wagstaff.
Moore.	Walker.
Morse.	Weinert.

Absent

Barron.	Jones of Atascosa.
Bourne.	Jones of Shelby.
Davidson.	Mackay.
Duvall.	Mathis.
Golson.	Pope.
Griffith.	Reader.
Harrison.	Stanfield.
Holloway.	Tarwater.
Hunt.	Wood.
Jefferson.	

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Fisher.	West.

Mr. Van Zandt moved the previous question on the pending amendment to the amendment as substituted, and the main question was ordered.

Question recurring on the amendment to the amendment as substituted, yeas and nays were demanded.

The amendment to the amendment as substituted was then adopted by the following vote:

Yeas—97

Adamson.	Crossley.
Aikin.	Daniel.
Alexander.	Dean.
Alsup.	Devall.
Anderson	Dunagan.
of Johnson.	Dwyer.
Baker.	Engelhard.
Barrett.	Fain.
Barron.	Few.
Beck.	Fuchs.
Bedford.	Glass.
Bourne.	Good.
Burns.	Goodman.
Butler.	Graves.
Calvert.	Harman.
Camp.	Hartzog.
Canon.	Head.
Cathey.	Hester.
Caven.	Hicks.
Chastain.	Hodges.
Colson.	Holloway.
Cowley.	Hoskins.

Hughes.	Reed of Bowie.
Hunt.	Reed of Dallas.
Hyder.	Renfro.
James.	Riddle.
Johnson	Roberts.
of Anderson.	Rogers of Hunt.
Jones of Runnels.	Rogers
Kayton.	of Ochiltree.
Kyle of Hays.	Rollins.
Laird.	Russell.
Latham.	Savage.
Lemens.	Scarborough.
Leonard.	Scott.
Lindsey.	Shannon.
Magee.	Shults.
McClain.	Smith.
McCullough.	Steward.
McGregor.	Stinson.
Merritt.	Stovall.
Mitcham.	Sullivant.
Morrison.	Tarwater.
Parkhouse.	Thomas.
Pavlica.	Tillery.
Puryear.	Townsend.
Ramsey.	Van Zandt.
Ratliff.	Vaughan.
Ray.	Winningham.
Reader.	Young.

Nays—27

Bradley.	Lotief.
Clayton.	McDougald.
Coombes.	McKee.
Ford.	Metcalfe.
Greathouse.	Moore.
Haag.	Morse.
Hankamer.	Munson.
Hill of Brazoria.	Nicholson.
Hill of Webb.	Patterson.
Holekamp.	Ross.
Holland.	Tennyson.
Jackson.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Long.	

Present—Not Voting

Moffett.

Absent

Davidson.	Jones of Shelby.
Dunlap.	Mackay.
Duvall.	Mathis.
Golson.	Palmer.
Griffith.	Pope.
Harris.	Stanfield.
Harrison.	Turlington.
Huddleston.	Weinert.
Jefferson.	Wells.
Jones of Atascosa.	Wood.

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Fisher.	West.

Mr. Hester offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 154 by adding subdivision (7) to Section 2, to read as follows:

"(7) The taxes herein provided for, when paid, shall be, and hereby are, allocated as follows, to wit:

"One-half ($\frac{1}{2}$) of said tax when, and as received by the Comptroller, shall be paid to the State Treasurer of Texas, and be placed to the credit of the Public School Fund, and one-half ($\frac{1}{2}$) of such taxes, when and as received by the Comptroller, shall be paid to the State Treasurer, to be placed to the credit of the General Fund of the State."

HESTER,
DUNAGAN,
BURNS,
CALVERT,
WELLS,
CAMP.

The amendment was adopted.

Mr. Daniel offered the following amendment to the committee amendment:

Amendment to amendment of House Bill No. 154, Section 5, Subsection 1, by adding the words "per well per calendar day," after the word "monthly," in line 13.

The amendment was adopted.

Mr. Daniel offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 154, by inserting a new Section 9-a, to read as follows:

"Section 9-a. Each and every person appointed by the Commission and holding the certificate of the Commission, authorizing such appointee to inspect oil wells, oil leases, pipe lines, railroad cars, or tanks, shall have the right of free access to such leases, premises, wells, pipe lines, railroad cars, or tanks, and to motor truck tanks at any and all times, for the purpose of inspection with respect to the production and transportation of oil. Any person or owner producing oil in this State who shall, by objection, interference, or otherwise, prevent any such person, so appointed by the Commission, from the free right of access to any lease or premises or well where oil is produced, or who shall in any manner interfere with such representative's examination of any

such leases, premises, or well, to ascertain the quantity and time of production of oil, shall be guilty of a misdemeanor, and upon conviction therefor shall be subject to a fine of not exceeding five hundred dollars (\$500), or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment."

McGREGOR,
DANIEL.

The amendment was adopted.

Mr. Daniel offered the following amendment to the committee amendment:

Amend amendment to House Bill No. 154 by inserting a new Section 9-b, to read as follows:

"Section 9-b. It shall be unlawful for any person owning, leasing, operating, or controlling any oil property within the State of Texas, to permit the oil or gas so produced, to pass beyond the possession or control of such person into the possession or control of any other person without first accurately measuring the amount of such oil or such gas, and making and preserving an accurate record thereof. It shall also be unlawful for any person to use any method or device to evade such accurate measurement. Upon conviction for a wilful violation of any provision hereof, such person shall be deemed guilty of a felony and, upon such conviction, shall be punished by confinement in the State Penitentiary for a term of not less than two (2) nor more than four (4) years."

McGREGOR,
POPE,
DANIEL.

The amendment was adopted.

Mr. Daniel offered the following amendment to the committee amendment:

Amend amendment to House Bill No. 154 by inserting a new Section 9-c, to read as follows:

"Section 9-c. Provided, that the Commission shall not have authority to require separate meters to be placed on each well belonging to a common ownership, emptying into a common reservoir, for estimating the flow of such wells under joint ownership; and provided further, that in estimating and calculating the tax per barrel per day, the Commission shall apportion the total flow into such common reservoir among the number of

wells proportionately, having such joint or common ownership emptying into such common reservoirs; and provided further, that the tax calculation shall be based upon the estimated flow of each separate well, whether having a joint or separate ownership."

McGREGOR,
GREATHOUSE,
POPE,
DANIEL.

The amendment was adopted.

Mr. Daniel offered the following amendment to the committee amendment:

Amend committee amendment No. 1, Section 1, by adding the following:

"'Commission,' as used in this Act, shall mean the Railroad Commission of Texas."

The amendment was adopted.

The committee amendment as amended was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 154 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 154

Mr. Daniel moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 154 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—79

Adamson.	Daniel.
Aikin.	Dean.
Alexander.	Engelhard.
Alsup.	Fain.
Anderson	Few.
of Johnson.	Fuchs.
Baker.	Glass.
Barrett.	Golson.
Beck.	Goodman.
Bedford.	Graves.
Bourne.	Greathouse.
Burns.	Hankamer.
Calvert.	Harman.
Camp.	Head.
Caven.	Hester.
Chastain.	Hicks.
Clayton.	Hodges.
Cowley.	Hoskins.
Crossley.	Hughes.

Hunt.	Roberts.
Hyder.	Rogers of Hunt.
Jackson.	Rogers
James.	of Ochiltree.
Jones of Runnels.	Rollins.
Jones of Shelby.	Savage.
Kyle of Hays.	Scarborough.
Lemens.	Scott.
Leonard.	Shults.
Lindsey.	Smith.
Magee.	Stanfield.
Merritt.	Stinson.
Metcalfe.	Stovall.
Moffett.	Sullivan.
Munson.	Tarwater.
Palmer.	Thomas.
Parkhouse.	Townsend.
Pope.	Van Zandt.
Purveyer.	Vaughan.
Ratliff.	Wells.
Ray.	Wood.
Reed of Bowie.	

Nays—48

Anderson	McClain.
of Bexar.	McDougald.
Barron.	McGregor.
Canon.	McKee.
Cathey.	Moore.
Coombes.	Morrison.
Devall.	Morse.
Dunlap.	Nicholson.
Dunagan.	Patterson.
Duvall.	Pavlica.
Dwyer.	Ramsey.
Ford.	Reader.
Griffith.	Reed of Dallas.
Hartzog.	Renfro.
Hill of Brazoria.	Ross.
Hill of Webb.	Russell.
Holekamp.	Shannon.
Holloway.	Steward.
Huddleston.	Tennyson.
Johnson	Tillery.
of Anderson.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Long.	Weinert.
Lotief.	Winningham.
Mathis.	Young.

Absent

Bradley.	Jones of Atascosa.
Butler.	Kayton.
Colson.	Laird.
Davidson.	Latham.
Good.	Mackay.
Haag.	McCullough.
Harris.	Mitcham.
Harrison.	Riddle.
Holland.	Turlington.
Jefferson.	

Absent—Excused

Fisher.	West.
Johnson of Dimmit.	

MOTION FOR SPECIAL ORDER

Mr. Laird moved that House Bill No. 226 be set as a special order for 10 o'clock a. m., Tuesday, April 11.

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—69

Aikin.	Laird.
Alsup.	Lemens.
Anderson	Long.
of Bexar.	Lotief.
Baker.	Mathis.
Beck.	McClain.
Butler.	McKee.
Calvert.	Merritt.
Clayton.	Metcalfe.
Cowley.	Moore.
Devall.	Morrison.
Dunlap.	Morse.
Dunagan.	Patterson.
Engelhard.	Pavlica.
Fuchs.	Pope.
Glass.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Greathouse.	Reader.
Griffith.	Reed of Bowie.
Hankamer.	Roberts.
Hester.	Rogers of Hunt.
Hill of Brazoria.	Rollins.
Hodges.	Ross.
Holekamp.	Russell.
Holland.	Scarborough.
Hoskins.	Scott.
Huddleston.	Shannon.
Hyder.	Shults.
Jackson.	Smith.
James.	Stanfield.
Johnson	Tillery.
of Anderson.	Townsend.
Jones of Shelby.	Wagstaff.
Kayton.	Winningham.
Kyle of Palo Pinto.	

Nays—51

Adamson.	Few.
Alexander.	Ford.
Anderson	Golson.
of Johnson.	Haag.
Barrett.	Harris.
Barron.	Hartzog.
Bedford.	Head.
Bourne.	Hicks.
Caven.	Hill of Webb.
Chastain.	Hughes.
Coombes.	Hunt.
Crossley.	Jones of Runnels.
Daniel.	Kyle of Hays.
Davidson.	Lindsey.
Dean.	Magee.
Dwyer.	Munson.
Fain.	Nicholson.

Parkhouse.	Stovall.
Puryear.	Sullivant.
Reed of Dallas.	Tennyson.
Renfro.	Thomas.
Riddle.	Van Zandt.
Rogers	Vaughan.
of Ochiltree.	Walker.
Savage.	Wells.
Steward.	Wood.
Stinson.	

Absent

Bradley.	Latham.
Burns.	Leonard.
Camp.	Mackay.
Canon.	McCullough.
Cathey.	McDougald.
Colson.	McGregor.
Duvall.	Mitcham.
Good.	Moffett.
Harman.	Palmer.
Harrison.	Tarwater.
Holloway.	Turlington.
Jefferson.	Weinert.
Jones of Atascosa.	Young.

Absent—Excused

Fisher.	West.
Johnson	
of Dimmit.	

HOUSE BILL NO. 319 ON SECOND READING

Mr. Canon moved that House Bill No. 319 be set as a special order for 10 o'clock a. m., Tuesday, April 11.

Mr. Pope moved, as a substitute motion, that the bill be taken up and considered at this time.

The motion of Mr. Pope prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 319, A bill to be entitled "An Act prohibiting the buyer of baled cotton deducting from the value thereof because of lightness of weight, and fixing a penalty thereof."

The bill was read second time.

Mr. Fuchs offered the following amendment to the bill:

Amend House Bill No. 319 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. When any buyer of spot cotton has made a bona fide bid for same, from sample or bale, and the sale price is agreed to between the buyer and seller, the buyer shall not make any deductions from the total value thereof as agreed to between the parties by reason of the

weight of said bale of cotton, unless such bale shall weigh less than 400 pounds. If the bale weighs less than 400 pounds, a deduction of not more than \$1 may be made by the buyer. Nothing contained herein shall prevent the buyer from refusing to accept a bale of cotton weighing less than 350 pounds.

"Any ginner who gins and compresses so as to place bagging and ties on any bale of cotton weighing more than 600 pounds, may assess and collect not more than \$1 for each such bale in addition to his regular charges for ginning the same.

"Sec. 2. If deductions or charges are made contrary to this Act, then the seller or grower of such cotton may recover from the buyer or ginner twice the amount of the deductions or charges in the same manner as is allowed for recovery by law for usury."

The amendment was adopted.

Mr. Fuchs offered the following amendment to the bill:

Amend House Bill No. 319 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"H. B. No. 319,

A BILL

To Be Entitled

An Act prohibiting the buyer of baled cotton deducting from the value thereof because of the weight of said bale, and providing that no buyer shall be required to accept a bale of cotton weighing less than 350 pounds, and that any ginner ginning a bale of cotton weighing in excess of 600 pounds may charge not exceeding \$1 for said bale in addition to his regular ginning charges, and fixing a penalty for the violation of the provisions of this Act."

The amendment was adopted.

Mr. Canon offered the following amendment to the bill:

Amend House Bill No. 319 by inserting in line eight (8) of Section 1, between the words "of One," these words "not more than."

The amendment was adopted.

House Bill No. 319 was then passed to engrossment.

HOUSE BILL NO. 319 ON THIRD
READING

Mr. Canon moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 319 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Adamson.	James.
Aikin.	Jefferson.
Alexander.	Jones of Runnels.
Alsup.	Jones of Shelby.
Anderson	Kayton.
of Johnson.	Kyle of Hays.
Baker.	Kyle of Palo Pinto.
Barrett.	Laird.
Beck.	Lemens.
Bourne.	Leonard.
Bradley.	Lindsey.
Burns.	Long.
Calvert.	Lotief.
Camp.	Magee.
Canon.	McClain.
Cathey.	McGregor.
Clayton.	McKee.
Colson.	Merritt.
Coombes.	Metcalfe.
Cowley.	Mitcham.
Crossley.	Moffett.
Daniel.	Morse.
Davidson.	Munson.
Dean.	Nicholson.
Devall.	Palmer.
Dunagan.	Parkhouse.
Engelhard.	Patterson.
Fain.	Pavlica.
Few.	Pope.
Ford.	Puryear.
Fuchs.	Ramsey.
Glass.	Ratliff.
Golson.	Ray.
Goodman.	Reader.
Graves.	Reed of Bowie.
Greathouse.	Reed of Dallas.
Griffith.	Renfro.
Haag.	Riddle.
Hankamer.	Roberts.
Harris.	Rogers of Hunt.
Hester.	Rogers
Hicks.	of Ochiltree.
Hill of Webb.	Rollins.
Hodges.	Ross.
Holekamp.	Russell.
Holland.	Savage.
Holloway.	Scarborough.
Hoskins.	Scott.
Huddleston.	Shannon.
Hughes.	Shults.
Hunt.	Smith.
Hyder.	Stanfield.
Jackson.	Steward.

Stinson.
Stovall.
Sullivant.
Tarwater.
Tennyson.
Thomas.
Tillery.
Turlington.

Van Zandt.
Wagstaff.
Walker.
Wells.
Winningham.
Wood.
Young.

Nays—3

Head.
Mathis.

Moore.

Absent

Barron.
Bedford.
Butler.
Caven.
Chastain.
Dunlap.
Duvall.
Dwyer.
Good.
Harman.
Harrison.
Hartzog.

Hill of Brazoria.
Johnson
of Anderson.
Jones of Atascosa.
Latham.
Mackay.
McCullough.
McDougald.
Morrison.
Townsend.
Vaughan.
Weinert.

Absent—Excused

Anderson
of Bexar.
Fisher.

Johnson
of Dimmit.
West.

The Speaker then laid House Bill No. 319 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119

Adamson.	Dunagan.
Aikin.	Engelhard.
Alexander.	Fain.
Alsup.	Few.
Anderson	Ford.
of Johnson.	Fuchs.
Baker.	Glass.
Barrett.	Golson.
Beck.	Goodman.
Bourne.	Graves.
Burns.	Greathouse.
Butler.	Griffith.
Calvert.	Haag.
Camp.	Hankamer.
Canon.	Harris.
Cathey.	Hester.
Caven.	Hicks.
Chastain.	Hill of Webb.
Clayton.	Hodges.
Colson.	Holekamp.
Coombes.	Holland.
Cowley.	Holloway.
Crossley.	Hoskins.
Daniel.	Huddleston.
Davidson.	Hughes.
Dean.	Hunt.

Hyder.	Reed of Dallas.
Jackson.	Renfro.
James.	Riddle.
Jefferson.	Roberts.
Jones of Runnels.	Rogers of Hunt.
Jones of Shelby.	Rogers
Kayton.	of Ochiltree.
Kyle of Hays.	Rollins.
Kyle of Palo Pinto.	Ross.
Laird.	Russell.
Latham.	Savage.
Lemens.	Scarborough.
Leonard.	Scott.
Lindsey.	Shannon.
Long.	Shults.
Lotief.	Smith.
Magee.	Stanfield.
McClain.	Steward.
McDougald.	Stinson.
McKee.	Stovall.
Merritt.	Sullivant.
Metcalfe.	Tarwater.
Mitcham.	Tennyson.
Moffett.	Thomas.
Munson.	Tillery.
Palmer.	Van Zandt.
Parkhouse.	Vaughan.
Pavlica.	Wagstaff.
Pope.	Walker.
Puryear.	Weinert.
Ramsey.	Wells.
Ratliff.	Winningham.
Ray.	Wood.
Reader.	Young.
Reed of Bowie.	

Nays—6

Bradley.	Moore.
Head.	Morse.
Mathis.	Patterson.

Absent

Barron.	Johnson
Bedford.	of Anderson.
Devall.	Jones of Atascosa.
Dunlap.	Mackay.
Duvall.	McCullough.
Dwyer.	McGregor.
Good.	Morrison.
Harman.	Nicholson.
Harrison.	Townsend.
Hartzog.	Turlington.
Hill of Brazoria.	

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Fisher.	West.

HOUSE BILL NO. 504 ON SECOND
READING

Mr. Fain moved that House Bill No. 504 be set as a special order for 10 o'clock a. m., Tuesday, April 11.

Mr. Pope moved, as a substitute motion, that the bill be taken up and considered at this time.

The motion of Mr. Pope prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 504, A bill to be entitled "An Act requiring any firm, corporation, or individual, handling in any way for use, sale, or manufacture, any form of powdered milk or milk substitutes, to secure an annual license from the Commissioner of Agriculture; defining terms for the purposes of this Act, and making certain exceptions; making it unlawful to handle for use, manufacture, or sale, or shipment any form of filled milk; providing a penalty; establishing a rule of construction; and declaring an emergency."

The bill was read second time.

Mr. Fain offered the following committee amendment to the bill:

Amend House Bill No. 504 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. That where used in this Act:

"(a) The word 'person' shall mean person, firm, partnership, corporation, and/or every person as defined by law.

"(b) 'Wholesaler,' as used in this Act, shall mean every person who, in this State, in intrastate commerce, makes the first sale or distribution of any form of powdered milk or milk substitute.

"(c) 'Wholesale' or 'sale at wholesale' or 'sell at wholesale,' as used herein, shall mean the first sale or distribution made by any such wholesaler, and shall include the first sale or distribution of any form of powdered milk or milk substitute manufactured in, or imported into, this State from another State or country.

"(d) A 'milk distributor' is a person, firm, or corporation, which has in possession, offers for sale, sells, or delivers to another any milk or milk product for consumption or manufacturing purposes.

"Sec. 2. It shall be unlawful to sell or offer or expose for sale, as milk for human consumption, within this State, any milk to which anything

other than milk fat or butterfat has been added or from which any fat has been extracted, and no milk testing less than three and one-fourth (3 $\frac{1}{4}$) per cent butterfat shall be exposed or offered for sale within this State. For the purpose and within the meaning of this Act, milk shall be held to be the lacteal secretion obtained from the complete milking of cows, or such milk, undiluted, in the state in which it comes from the cow, or such milk, undiluted and unadulterated, after pasteurization, provided, however, nothing herein contained shall prevent the selling, offering for sale, or exposing for sale of either condensed milk or evaporated milk in sealed cans, or the sale of skim milk, when properly labeled as such.

"Sec. 3. All containers in which Pasteurized milk is sold must be labeled, and the labels must truthfully state, in boldface Gothic 12-point type, the minimum quantity of butterfat of the contents of such container.

"Sec. 4. It shall be unlawful to sell, offer, or expose for sale in this State any powdered milk other than in its dry state, except as hereinafter provided.

"Sec. 5. It shall be unlawful to sell, offer, or expose for sale, for human consumption, as milk, any liquid product in the making, compounding, or manufacture of which powdered milk, or any other substance other than butterfat, is used as a constituent part thereof.

"Sec. 6. It shall be unlawful to sell, offer, or expose for sale in this State any liquid milk product, in which powdered milk is used as a constituent part in the making, compounding, or manufacture thereof except and unless the bottle, package, carton, or other container, in which such product is sold and delivered, has plainly printed thereon, in boldface Gothic type, not smaller than 12-point, in the English language, the words 'a powdered milk product.'

"For purposes of this Act liquid milk products shall be interpreted to include any and all liquid milk compounds, milk substitutes, and all liquid products in which milk is a constituent part.

"Sec. 7. Hereafter any wholesaler or any person who shall sell at wholesale, and any distributor of liquid milk, or liquid milk products, who

sells, possesses, or in any way handles in any manner, for the purpose of sale, any form of powdered milk or milk substitute, or any article or product in the making, compounding, or manufacture of which powdered milk is used as a constituent part, shall do so only after obtaining a license for so doing, to be issued by the Commissioner of Agriculture of the State of Texas, who shall issue such license upon the application of such person upon the payment of an annual fee of one dollar (\$1), to be deposited by the Commissioner of Agriculture as a special fund for the enforcement of this Act. And, such person shall be required to make reports to the Commissioner of Agriculture at such times as the Commissioner may require, relative to the amount of powdered milk so handled, and the purposes for which same was used, and any other facts relative thereto, that may be required by the Commissioner of Agriculture, provided that the provisions of this section shall not apply to retail dealers selling powdered milk, or products, in the manufacture of which powdered milk is used.

"Sec. 8. It shall hereafter be unlawful to handle for use, manufacture, or sale within this State any form of filled milk. It is declared that filled milk, as hereinafter defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within this State, or to ship or deliver for shipment in intrastate commerce any filled milk.

"The term 'filled milk' shall be defined, for the purpose of this Act, to include any milk, cream, or skimmed milk whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream where such compound (1) is prepared and designated for feeding infants and

young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than sixteen and one-half (16½) ounces, and bearing a label in bold type (not smaller than the largest type so used on the labels) that the contents is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child welfare associations, hospitals, and similar institutions, and generally disposed of by them.

"Sec. 9. The Commissioner of Agriculture, his agents, inspectors, and other assistants shall have full rights of ingress and egress to and on the premises of any person handling or selling or offering for sale any milk or milk products in this State, and shall have the authority and right to demand and have free access to the books and records of such person, at any and all reasonable times, and shall have the right and authority to demand and have sworn reports and statements relating to the handling and sale of milk and milk products as the Commissioner of Agriculture may deem necessary to the enforcement of this Act.

"Sec. 10. Any person violating any of the provisions of this Act, whether as owner, agent, manager, clerk, or employe, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the sum of not less than \$100 nor more than \$150, for each offense, or shall be confined in the county jail for not less than ten days nor more than thirty days, or by both such fine and confinement; and each transaction in violation of this Act shall constitute a separate offense.

"Sec. 11. In the event any portion of this Act be declared unconstitutional the remaining portion of this Act shall be unaffected thereby. All laws and parts of laws in conflict with this Act are hereby repealed.

"Sec. 12. The fact that unscrupulous dealers are extracting from milk sold to the public the elements necessary to permit same to remain wholesome food and are defrauding the public by the sale of adulterated and diluted milk creates an emergency and an imperative public necessity that the constitutional rule, requiring

bills to be read on three several days, be suspended and the same is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted."

Mr. Fain offered the following amendments to the committee amendment:

(1)

Amend committee amendment No. 1 to House Bill No. 504 by striking out, in line five (5), Section Two (2), the words: "and one-fourth."

(2)

Amend committee amendment No. 1 to House Bill No. 504 by adding, on page three (3), line three (3), after the word "act," the following:

"Such funds are hereby appropriated for the enforcement of this Act to be paid out by vouchers approved by the Commissioner of Agriculture and warrants issued thereon by the Comptroller; and that no other appropriations be made for enforcement of this Act."

The amendments were severally adopted.

The committee amendment as amended was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Mr. Engelhard offered the following committee amendment to the bill:

Amend House Bill No. 504 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"H. B. No. 504,

A BILL

To Be Entitled

An Act to regulate the quality of milk sold, or offered, or exposed for sale, to prevent the sale of any milk from which anything has been extracted, or to which anything has been added, except butterfat, and to prescribe a minimum butterfat content for milk which is herein defined; to provide that containers for milk shall truthfully state the minimum butterfat content; to provide that powdered milk shall only be sold in its dry state, except as provided herein, and providing for certain

dealer's license for sale of such products, and fee for same, and requiring certain reports from such dealers; defining and prohibiting the sale of filled milk; and providing penalties; defining certain terms, and giving the Commissioner of Agriculture certain rights and authority for enforcement; making an appropriation for enforcement; and declaring an emergency."

The amendment was adopted.

House Bill No. 504 was then passed to engrossment.

HOUSE BILL NO. 504 ON THIRD READING

Mr. Fain moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 504 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adamson.	Hill of Webb.
Alexander.	Hodges.
Alsup.	Holekamp.
Anderson	Holland.
of Johnson.	Hoskins.
Baker.	Hunt.
Barrett.	Hyder.
Bourne.	Jackson.
Bradley.	Jefferson.
Burns.	Jones of Runnels.
Calvert.	Jones of Shelby.
Camp.	Kayton.
Canon.	Kyle of Palo Pinto.
Cathey.	Laird.
Caven.	Latham.
Chastain.	Lemens.
Clayton.	Leonard.
Coombes.	Lotief.
Cowley.	Magee.
Daniel.	Mathis.
Davidson.	McClain.
Dunagan.	McDougald.
Dwyer.	McGregor.
Engelhard.	Mitcham.
Fain.	Moffett.
Few.	Moore.
Fuchs.	Morse.
Glass.	Munson.
Golson.	Nicholson.
Goodman.	Palmer.
Greathouse.	Patterson.
Griffith.	Pavlica.
Haag.	Pope.
Hankamer.	Puryear.
Harris.	Ramsey.
Hester.	Ratliff.
Hicks.	Ray.
Hill of Brazoria.	Reader.

Reed of Bowie.
Reed of Dallas.
Riddle.
Roberts.
Rogers
of Ochiltree.
Rollins.
Ross.
Savage.
Scarborough.
Scott.
Shannon.
Shults.
Smith.
Stanfield.
Steward.

Stinson.
Stovall.
Sullivant.
Tarwater.
Tennyson.
Thomas.
Tillery.
Turlington.
Van Zandt.
Vaughan.
Wagstaff.
Walker.
Wells.
Winningham.
Wood.
Young.

Nays—11

Aikin.	Merritt.
Crossley.	Renfro.
Ford.	Rogers of Hunt.
Head.	Russell.
Kyle of Hays.	Weinert.
Lindsey.	

Absent

Barron.	Huddleston.
Beck.	Hughes.
Bedford.	James.
Butler.	Johnson
Colson.	of Anderson.
Dean.	Jones of Atascosa.
Devall.	Long.
Dunlap.	Mackay.
Duvall.	McCullough.
Good.	McKee.
Graves.	Metcalfe.
Harman.	Morrison.
Harrison.	Parkhouse.
Hartzog.	Townsend.
Holloway.	

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Fisher.	West.

The Speaker then laid House Bill No. 504 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—109

Adamson.	Chastain.
Alexander.	Clayton.
Alsup.	Coombes.
Anderson	Cowley.
of Johnson.	Daniel.
Baker.	Davidson.
Bourne.	Dean.
Bradley.	Devall.
Butler.	Dwyer.
Canon.	Engelhard.
Caven.	Fain.

Few.	Moffett.
Fuchs.	Moore.
Glass.	Morse.
Golson.	Munson.
Goodman.	Nicholson.
Graves.	Palmer.
Greathouse.	Patterson.
Griffith.	Pavlica.
Haag.	Pope.
Hankamer.	Ramsey.
Harman.	Ratliff.
Harris.	Ray.
Hartzog.	Reader.
Hester.	Reed of Bowie.
Hill of Brazoria.	Reed of Dallas.
Hill of Webb.	Roberts.
Hodges.	Rogers
Holekamp.	of Ochiltree.
Holland.	Rollins.
Holloway.	Ross.
Hoskins.	Savage.
Hunt.	Scarborough.
Hyder.	Scott.
Jackson.	Shannon.
James.	Shults.
Jefferson.	Smith.
Jones of Runnels.	Stanfield.
Jones of Shelby.	Steward.
Kayton.	Stinson.
Kyle of Palo Pinto.	Stovall.
Laird.	Sullivant.
Latham.	Tarwater.
Lemens.	Tennyson.
Leonard.	Thomas.
Lindsey.	Tillery.
Long.	Turlington.
Lotief.	Van Zandt.
Magee.	Walker.
McClain.	Wells.
McDougald.	Winningham.
Metcalfe.	Wood.
Mitcham.	Young.

Nays—20

Aikin.	Hughes.
Barrett.	Kyle of Hays.
Beck.	Merritt.
Burns.	Parkhouse.
Cathey.	Puryear.
Crossley.	Riddle.
Dunagan.	Rogers of Hunt.
Ford.	Russell.
Head.	Vaughan.
Hicks.	Weinert.

Present—Not Voting

Calvert.

Absent

Barron.	Harrison.
Bedford.	Huddleston.
Camp.	Johnson
Colson.	of Anderson.
Dunlap.	Jones of Atascosa.
Duvall.	Mackay.
Good.	Mathis.

McCullough.	Renfro.
McGregor.	Townsend.
McKee.	Wagstaff.
Morrison.	

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Fisher.	West.

SPECIAL ORDER SET

Mr. Wagstaff moved that House Bill No. 322 be set as a special order for 10 o'clock a. m., Tuesday.

Mr. Pope moved that the bill be set as a special order for 11:36 a. m., today.

The motion of Mr. Pope prevailed.

Mr. Moffett moved to reconsider the vote by which the motion by Mr. Pope prevailed.

The motion to reconsider prevailed.

Mr. Pope then withdrew the substitute motion.

Question recurring on the motion by Mr. Wagstaff, it prevailed by the following vote:

Yeas—92

Adamson.	Holekamp.
Aikin.	Holland.
Alexander.	Holloway.
Anderson	Hoskins.
of Johnson.	Hughes.
Bourne.	Hunt.
Camp.	James.
Canon.	Jefferson.
Caven.	Jones of Runnels.
Chastain.	Jones of Shelby.
Colson.	Kayton.
Coombes.	Kyle of Palo Pinto.
Davidson.	Latham.
Dean.	Lemens.
Devall.	Leonard.
Dunagan.	Lindsey.
Dwyer.	Lotief.
Engelhard.	Magee.
Fain.	McClain.
Few.	McDougald.
Ford.	McGregor.
Fuchs.	McKee.
Golson.	Merritt.
Good.	Metcalfe.
Goodman.	Moffett.
Graves.	Moore.
Greathouse.	Morrison.
Griffith.	Morse.
Haag.	Munson.
Harman.	Nicholson.
Harris.	Parkhouse.
Hartzog.	Pavlica.
Hester.	Pope.
Hicks.	Ratliff.
Hill of Webb.	Ray.
Hodges.	Reader.

Reed of Bowie.	Stovall.
Reed of Dallas.	Sullivant.
Riddle.	Tennyson.
Roberts.	Thomas.
Rollins.	Van Zandt.
Ross.	Vaughan.
Scarborough.	Wagstaff.
Scott.	Walker.
Shannon.	Winningham.
Shults.	Wood.
Steward.	

Nays—30

Alsup.	Kyle of Hays.
Baker.	Mathis.
Barrett.	Palmer.
Burns.	Patterson.
Calvert.	Puryear.
Clayton.	Ramsey.
Cowley.	Savage.
Crossley.	Stanfield.
Daniel.	Stinson.
Glass.	Tarwater.
Hankamer.	Tillery.
Harrison.	Turlington.
Head.	Weinert.
Hyder.	Wells.
Jackson.	Young.

Absent

Barron.	Laird.
Beck.	Long.
Bedford.	Mackay.
Bradley.	McCullough.
Butler.	Mitcham.
Cathey.	Renfro.
Dunlap.	Rogers of Hunt.
Duval.	Rogers
Hill of Brazoria.	of Ochiltree.
Huddleston.	Russell.
Johnson	Smith.
of Anderson.	Townsend.
Jones of Atascosa.	

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Fisher.	West.

NOTICE GIVEN

Mr. McDougald gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 487, which bill had heretofore been laid on the table subject to call.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 10, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 209, A bill to be entitled "An Act amending Article 3883, of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-second Legislature, Chapter 340; fixing the maximum annual fees of office authorized to be retained by certain district, county, and precinct officers named herein; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 167, A bill to be entitled "An Act making appropriations for the support and maintenance of the State Government for the two-year period, beginning September 1, 1933, and ending August 31, 1935, and for the purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

EXPRESSING SYMPATHY OF THE HOUSE TO LOUISE SNOW PHINNEY

Mrs. Hughes offered the following resolution:

Whereas, The Chief Clerk, Louise Snow Phinney, an able, valued, and esteemed employe of this House, is ill; therefore, be it

Resolved by the House of Representatives, That they express to Mrs. Phinney their sincere sympathy for her because of her illness, and the hope that she may speedily recover and return to her place on the floor of the House, and be it further

Resolved, That a copy of this resolution and a suitable basket of flowers be sent to Mrs. Phinney.

HUGHES,
MOFFETT.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 167 WITH SEN- ATE AMENDMENTS

Mr. Harman called up, for consideration at this time, with Senate amendments, House Bill No. 167.

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Harman moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Harman, Coombes, Good, McGregor, and Kayton.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 271, "An Act to provide that transferors for collection of negotiable instruments shall be preferred creditors of State banks and/or State bank and trust companies, authorized to do business under the laws of the State of Texas in certain cases, and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 376, "An Act creating the office of county purchasing agent in certain counties; fixing his term of office, and providing for the commissioners court to adopt the system of rules for said office; providing for the removal of said officers, and fixing his salary; providing for assistants, and fixing their salary; providing for a bond, and fixing the amount, and prescribing the duties of the purchasing agent; placing said agent under the supervision of the purchasing committee of the commissioners court, etc.; repealing all laws or parts of laws in conflict with the terms and provisions of this Act; and declaring an emergency."

S. B. No. 12, "An Act to provide that no water improvement district, water control and improvement district, water control and preservation district, levee improvement district, nor drainage district shall be required to give bond on any appeal or writ of error taken by it, or either of them, in any civil case, repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 95, "An Act making appropriations to pay deficiency claims approved by the Governor, during the fiscal years ending August 31, 1931, and August 31, 1932, respectively, and declaring an emergency."

S. B. No. 52, "An Act providing a method of securing service of proc-

ess over foreign corporations engaged in, or desiring to do, business in the State of Texas; amending Article 1529 of the Revised Civil Statutes of the State of Texas relating to the rights of foreign corporations to secure permits to do business in Texas, and repealing laws in conflict herewith; containing a saving clause; and declaring an emergency."

S. B. No. 113, "An Act providing when, how, and in what manner any water improvement district, or water control and improvement district, or conservation and reclamation district, now or hereafter organized and existing under the Constitution and laws of this State, may refund any of its outstanding bonds, or any of its valid outstanding notes, warrants, or other obligations (other than bonds); and declaring an emergency."

S. B. No. 428, "An Act authorizing the board of trustees of independent school districts having a scholastic population of not less than 1,800, and not more than 1,900, according to the last State scholastic census, to borrow money from the Reconstruction Finance Corporation, or from other sources, for the purpose of installing canning factories and manual training departments; providing for charging of fees for the use of such equipment to make same self-liquidating, and providing for the issuance of securities based on such fees which may be supplemented by the local maintenance tax of such districts as a basis of credit for the purchase of such equipment as is named above, and declaring an emergency."

S. B. No. 78, "An Act to amend Section 13, Chapter 277, page 480, Acts of the Forty-second Legislature, Regular Session, providing that before a permit or certificate of public convenience and necessity may be issued to any motor carrier, or before any motor carrier may lawfully operate under such permit or certificate, such motor carrier shall file, with the Commission, bonds and insurance policies issued by companies authorized by law to transact business in Texas, in an amount to be fixed by the Commission, under such rules and regulations as it may prescribe; etc., and declaring an emergency."

H. C. R. No. 34, Granting Inez Gamboa permission to sue the State.

S. C. R. No. 21, Granting permission to G. B. White and others to sue the State.

ADJOURNMENT

Mrs. Hughes moved that the House adjourn until 11:45 o'clock a. m., next Monday.

The Speaker announced that the motion prevailed.

Mr. Turlington moved to reconsider the vote by which the motion to adjourn prevailed.

The motion to reconsider was lost by the following vote:

Yeas—60

Aikin.	Lotief.
Anderson	Magee.
of Bexar.	Mathis.
Baker.	McClain.
Cathey.	McCullough.
Coombes.	McDougald.
Crossley.	McGregor.
Davidson.	McKee.
Dunagan.	Mitcham.
Dwyer.	Moore.
Engelhard.	Morrison.
Few.	Morse.
Fuchs.	Nicholson.
Glass.	Pavlica.
Good.	Pope.
Griffith.	Ramsey.
Harris.	Ray.
Harrison.	Riddle.
Hartzog.	Russell.
Hill of Brazoria.	Shannon.
Hill of Webb.	Smith.
Holekamp.	Steward.
Holloway.	Tennyson.
Hoskins.	Tillery.
Hyder.	Townsend.
Jones of Shelby.	Turlington.
Kayton.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Weinert.
Latham.	Wells.
Long.	

Nays—75

Adamson.	Canon.
Alexander.	Caven.
Alsup.	Chastain.
Anderson	Clayton.
of Johnson.	Colson.
Barrett.	Cowley.
Beck.	Daniel.
Bourne.	Dean.
Bradley.	Devall.
Burns.	Dunlap.
Calvert.	Fain.
Camp.	Ford.

Golson.	Puryear.
Goodman.	Ratliff.
Graves.	Reader.
Greathouse.	Reed of Bowie.
Haag.	Reed of Dallas.
Hankamer.	Renfro.
Harman.	Roberts.
Head.	Rogers of Hunt.
Hester.	Rogers
Hicks.	of Ochiltree.
Hodges.	Rollins.
Holland.	Ross.
Hughes.	Scarborough.
Hunt.	Scott.
Jackson.	Shults.
James.	Stanfield.
Jefferson.	Stinson.
Jones of Runnels.	Stovall.
Kyle of Hays.	Sullivant.
Lemens.	Tarwater.
Leonard.	Thomas.
Lindsey.	Van Zandt.
Merritt.	Vaughan.
Metcalfe.	Winningham.
Moffett.	Wood.
Munson.	Young.
Patterson.	

Absent

Barron.	Jones of Atascosa.
Bedford.	Mackay.
Butler.	Palmer.
Duvall.	Parkhouse.
Huddleston.	Savage.
Johnson of Anderson.	

Absent—Excused

Fisher.	West.
Johnson	
of Dimmit.	

The House, then, at 11:44 o'clock a. m., in accordance with the motion by Mrs. Hughes, adjourned until 11:45 o'clock a. m., Monday, April 10.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: Senate Bill No. 96, and House Bill No. 876.

Education: Senate Bill No. 266, and House Bill No. 480.

Criminal Jurisprudence: Senate Bill No. 84.

The Committee on Education filed an adverse report on House Bill No. 455.

REPORT OF THE COMMITTEE ON
ENGROSSED BILLS

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 109, A bill to be entitled
"An Act amending Article 6881, of
Title 120, Chapter 5, of the Revised
Civil Statutes of the State of Texas,
1925, correcting the laws applying to
bonds executed by constables, and
declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 498, A bill to be entitled
"An Act to prohibit the hunting,
trapping, ensnaring, or killing of any
wild deer, buck, doe, fawn, or pheasant
within the limits of the Counties
of Montague, Clay, Archer, Wise,
Jack, and Young, State of Texas, for
a period of five (5) years from and
after the passage of this Act; pro-
viding a penalty therefor; and declar-
ing an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 775, A bill to be entitled
"An Act to amend Article 199, Title
8, of the Revised Civil Statutes of
1925, Subdivision 47, as amended by
Chapter 7, Acts of the Fortieth Leg-
islature, 1927, by amending Sections
4, 5, and 6, of Chapter 7, Acts of the
Fortieth Legislature, page 10, and
providing for the restoration of juris-
diction of civil business to the District
Court of the Forty-seventh Judicial
District, in Potter County, providing
for the perpetuation of said Forty-
seventh District Court, and clothing
said District Court with general ju-

risdiction of district courts in all of
the counties comprising said Judicial
District; providing for the continu-
ance in office of the Judge of the One
Hundred and Eighth District Court,
and the Judge and District Attorney
of the said Forty-seventh District
Court, during the term for which
elected; providing for a clerk and
court reporter to handle civil busi-
ness in said Court, in Potter County;
for transfer of civil business by the
respective Judges of said Courts; to
continue in effect writs, process,
bonds, recognizances, orders, decrees,
and judgments; fixing the time of
taking effect of this Act; repealing
laws in conflict therewith; and de-
claring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 514, A bill to be entitled
"An Act to fix an open season, or
period of time for hunting, taking, or
killing wild mourning doves, wild
quail of all kinds, and wild Mexican
pheasants in Washington County;
making it unlawful to hunt, take, or
kill same at any other time of the
year; fixing a penalty for violation
of the provisions of this Act; repeal-
ing all laws or parts of laws in con-
flict with this Act; and declaring an
emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 790, A bill to be entitled
"An Act to prohibit the hunting, tak-
ing, or killing of wild foxes, or hav-
ing in possession the pelts thereof in
Upshur County; providing a penalty;
repealing all laws or parts of laws
in conflict herewith; and declaring
an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 709, A bill to be entitled
"An Act authorizing the board of
directors of any water improvement
district, or water control and im-
provement district within the State to
remit, in whole, or in part, the pen-
alties and interest on all ad valorem
taxes levied by such districts that are
now delinquent and or past due and
unpaid, and which are paid on or be-
fore December 31, 1933, and declaring
an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 825, A bill to be entitled
"An Act to amend Chapter 2, of Title
116, of the Revised Civil Statutes of
Texas, 1925, by adding to said Chap-
ter a new Article to be known as
Article 6711-a, providing that upon
application of ten or more resident
citizens of the Counties of Polk, Trin-
ity, Angelina, or Tyler, or one person
living within an enclosure of two
thousand (2,000) acres or more in
said Counties, the commissioners
court of said County shall open a
road through said enclosure of land,
or between different persons or own-
ers of land, or along any section line,
or along any survey line, or along
any survey subdivision line, where
said land is adjacent or contiguous
to public rivers, lakes, or bays in
the Counties of Polk, Trinity, Ange-
lina, or Tyler; providing for notice
and hearing on said application; pro-
viding for damages to landowners
where roads are opened; providing
that the commissioners court shall
not be required to keep such roads
worked; providing that this Act shall
only apply where there is a space of
at least five (5) miles along any
navigable river, lake, or bay with no
present road or public thoroughfare;
providing for laying out of right of
way of the width of sixty (60) feet
running parallel to the out bank of

any navigable stream in these afore-
mentioned counties; declaring a pub-
lic necessity for certain roads pro-
vided for herein, etc., and declaring
an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 827, A bill to be entitled
"An Act designating fur-bearing ani-
mals, declaring them the property of
the State, declaring a five-year closed
season on wild fox in certain coun-
ties; providing a penalty for violation
of this Act, and declaring an emer-
gency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 841, A bill to be entitled
"An Act designating fur-bearing ani-
mals, declaring them the property of
the State, declaring a five-year closed
season on wild fox in Henderson
County; and providing a penalty for
violation of this Act,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 854, A bill to be entitled
"An Act providing for an open season
or period of time when it shall be
unlawful to take or kill wild quail in
certain counties; providing penalties
for the violation thereof; repealing all
laws and parts of laws in conflict
therewith; and declaring an emer-
gency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 840, A bill to be entitled
"An Act validating and legalizing the
authorization of bonds issued by or on
behalf of any county, city, district, or
political subdivision of this State, for
the construction of sea walls; vali-
dating the levy and assessment of
ad valorem taxes in payment thereof;
validating the manner of holding the
election, canvassing the returns, and
declaring the result of such election;
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 852, A bill to be entitled
"An Act providing for the jurisdic-
tion of the County Court of Gillespie
County, conferring upon said Court
civil and criminal jurisdiction, and
increasing the criminal and civil juris-
diction of said Court; conforming the
jurisdiction of the district court of
said County to such change; fixing
the time of holding court, and to re-
peal all laws in conflict with this Act,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 875, A bill to be entitled
"An Act to be known as Articles
1656-a and 1656-b, applying to coun-
ties having a population of 350,000
or more, according to the last pre-
ceding or any future Federal Cen-
sus, prescribing the authority of the

county auditor with reference to the
system, forms, and reports to be used
in connection with the receipt and
disbursement of all county revenues,
funds, fees, and moneys received and
disbursed by county and precinct of-
ficers belonging to the county, its
subdivisions, and precincts, including
moneys collected and disbursed by, or
on hand with, such officers for the
benefit of individuals, firms, or cor-
porations; prescribing the time, mode,
and manner of making monthly, an-
nual, or other reports to the auditor;
authorizing the auditor to verify the
cash on hand in support of all offi-
cial reports of such officers relating
to such receipts, disbursements, and
balances; requiring the approval of
the judge of the court in which such
funds were deposited on all disburse-
ments of such trust funds and re-
quiring the countersignature of the
county auditor on all checks issued,
etc., and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

FORTY-NINTH DAY

(Monday, April 10, 1933)

The House met at 11:45 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Stevenson.

The roll was called, and the follow-
ing Members were present:

Mr. Speaker.	Clayton.
Adamson.	Colson.
Aikin.	Coombes.
Alexander.	Cowley.
Alsup.	Crossley.
Anderson	Daniel.
of Bexar.	Davidson.
Anderson	Dean.
of Johnson.	Devall.
Baker.	Dunlap.
Barrett.	Dunagan.
Barron.	Duvall.
Beck.	Dwyer.
Bedford.	Engelhard.
Bourne.	Fain.
Bradley.	Few.
Burns.	Ford.
Butler.	Fuchs.
Calvert.	Glass.
Camp.	Golson.
Canon.	Good.
Cathey.	Goodman.
Caven.	Graves.
Chastain.	Greathouse.